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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 ANDRE SMITH LOVEJOY,

7 Plaintiff,

8 v.

9 LEILA MARIE ONEAL

10 Defendant

Case No. 3:19-cv-00427-MMD-CLB

ORDER ACCEPTING AND ADOPTING  
REPORT AND RECOMMENDATION  
OF MAGISTRATE JUDGE  
CARLA L. BALDWIN

11 Before the Court is the Report and Recommendation ("R&R") of United States  
12 Magistrate Judge Carla L. Baldwin recommending that this case be dismissed for Plaintiff  
13 Andre Smith Lovejoy's failure to comply with LR IA 3-1.<sup>1</sup> (ECF No. 5.) In light of Plaintiff's  
14 failure, it is no surprise that he has not filed an objection to the R&R, although he had until  
15 March 26, 2020, to do so. The Court will adopt the R&R and dismiss this case.

16 This Court "may accept, reject, or modify, in whole or in part, the findings or  
17 recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). Where a party  
18 fails to object to a magistrate's recommendation, the Court is not required to conduct "any  
19 review at all . . . of any issue that is not the subject of an objection." *Thomas v. Arn*, 474  
20 U.S. 140, 149 (1985); *see also United States v. Reyna-Tapia*, 328 F.3d 1114 (9th Cir.  
21 2003) ("De novo review of the magistrate judges' findings and recommendations is  
22 required if, but *only* if, one or both parties file objections to the findings and  
23 recommendations.") (emphasis in original); Fed. R. Civ. P. 72, Advisory Committee Notes

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26 <sup>1</sup>Local Rule 3-1 provides:

27 An attorney or pro se party must immediately file with the court written  
28 notification of any change of mailing address, email address, telephone  
number, or facsimile number . . . Failure to comply with this rule may result  
in the dismissal of the action, entry of default judgment, or other sanctions  
as deemed appropriate by the court.

1 (1983) (providing that the court “need only satisfy itself that there is no clear error on the  
2 face of the record in order to accept the recommendation”).


3 The Court finds it unnecessary to engage in de novo review to determine whether  
4 to adopt Judge Baldwin’s R&R and is satisfied that there is no clear error upon reviewing  
5 the docket. Plaintiff was advised that failure to file a notice of change of address as  
6 required by LR IA 3-1 by October 18, 2019, would result in dismissal of this case. (ECF  
7 No. 4.) That date has long passed and Plaintiff has provided no such notice. Nor has he  
8 taken action in this matter since July 2019. The Court therefore agrees with the R&R that  
9 dismissal of this action is warranted under LR IA 3-1. *See also Thompson v. Hous. Auth.*  
10 *of City of L. A.*, 782 F.2d 829, 831 (9th Cir. 1986) (recognizing that district courts have the  
11 inherent power to control their dockets and “[i]n the exercise of that power, they may  
12 impose sanctions including, where appropriate . . . dismissal” of a case); *Malone v. U.S.*  
13 *Postal Serv.*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissing case for failure to comply with  
14 court order).

15 It is therefore ordered, adjudged and decreed that the Report and Recommendation  
16 of Magistrate Judge Carla L. Baldwin (ECF No. 5) is accepted and adopted in full.

17 It is further ordered that this case is accordingly dismissed and the pending motion  
18 (ECF No. 1) is denied as moot.

19 The Clerk of the Court is directed to enter judgment accordingly and close this case.

20 DATED THIS 30<sup>th</sup> day of March 2020.

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23 MIRANDA M. DU  
24 CHIEF UNITED STATES DISTRICT JUDGE  
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